



TEXAS DEPARTMENT OF LICENSING AND REGULATION

Enforcement Division

P.O. Box 12157 • Austin, Texas 78711 • (512) 539-5600 • (800) 803-9202 • fax (512) 539-5698

Web site: www.tdlr.texas.gov

October 20, 2017

EVEITH C MILLER
215 E UNIVERSITY DR
DENTON TX 76209 2011

EVEITH C MILLER
409 PANHANDLE ST
DENTON TX 76201 2905

Subject: Eveith C. Miller (Respondent), Case Number: MID20170018799

Dear Ms. Miller:

The Texas Department of Licensing and Regulation (Department) has concluded its investigation of the above-referenced case number. The Department has made several attempts to contact you by telephone and email. Your license renewal has been delayed, from the evidence obtained in our investigation, because of a delinquency on a prior agreed order which I have included. The transferring agency records reflect a \$500 delinquency which you must cure prior to reissuance of your license. As your license has been expired for more than two years, the Department will not pursue collection until such time as you wish to renew through the Department of Licensing & Regulation which now regulates the Midwife profession.

At any hearing in which the Department seeks a sanction or penalty against a licensee or other individual, the burden is on the Department to prove that the licensee or individual committed a violation of the law or rules in place at the time of the alleged violation. We have closed this matter as unable to locate the Respondent; however, should you desire to renew your Midwife license, please do not hesitate to contact us for the protocols to do so. Any questions regarding this case should be addressed to Cordelia Mendoza, Legal Assistant, Enforcement Division at (512) 539-5627 or e-mail Cordelia.Mendoza@tdlr.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Va. Fields".

Virginia Fields
Prosecutor, Enforcement Division

Enclosure

cc: Alex Ramon, Department Investigator

IN THE MATTER OF
EVEITH MILLER
LAVON, TEXAS

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§
§
§
§

BEFORE THE TEXAS
MIDWIFERY BOARD
AUSTIN, TEXAS

AGREED ORDER

I. JURISDICTION

The Texas Midwifery Board ("Board") is authorized to enforce the Texas Midwifery Act, Texas Occupations Code, Chapter 203 ("Act"), and the Board rules found at Title 22 of the Texas Administrative Code (TAC) Chapter 831 ("Rules"), relating to persons practicing midwifery in Texas.

II. RESPONDENT

Eveith Miller (referenced herein, "Respondent") formerly held documentation as a Midwife (# 97023) and is subject to the aforementioned Act and Rules.

III. FACTS

The Board has reviewed various documents and evidence related to Respondent's midwifery practice. The Board determined that Respondent practiced midwifery without documentation between March 2003 and June 2003. As a result, Respondent failed to comply with the Act §203.251(a), and the Rules §831.11(c). The violations are more specifically described in the Board's three Notice of Violation letters dated April 26, 2004, which are adopted and incorporated in this agreement by reference.

IV. NOTICE

Through delivery of a Certified Letter dated July 28, 2003, Yvonne Feinleib, Midwifery Program Director, informed Respondent that a complaint was being opened against the Respondent, that the complaint would go to the Complaint Review Committee of the Texas Midwifery Board, and that the Respondent would be invited to attend.

Through delivery of a Certified Letter dated January 26, 2004, Yvonne Feinleib, Midwifery Program Director, invited the Respondent to attend the Complaint Review Committee on February 9, 2004.

Through delivery of the Notice of Violation dated April 26, 2004, the Board informed Respondent that, on February 9, 2004, the Complaint Review Committee ("Committee") reviewed the allegations of practicing midwifery without documentation and proposed an

administrative penalty. The Respondent was given the opportunity to accept the administrative penalty, or to request an informal settlement conference, and/or a formal hearing.

V. RESPONSE

Respondent replied to the Board's Notice Letter by fax on June 4, 2004, and requested a settlement conference in September 2004. The Conference was held at the Complaint Review Committee meeting in Austin Texas on September 13, 2004.

VI. SETTLEMENT

Based on the evidence, the Board and Respondent have determined the following violation exists:

Respondent practiced midwifery without documentation on nine occasions in 2003.

The Board and Respondent have agreed that the Board will impose a reprimand, an administrative penalty of \$900, and additional stipulations related to continuing education, subject to the terms and conditions as outlined in section "VII. Terms" of this Order.

VII. TERMS

Respondent has agreed to the Board's imposition of a reprimand and an administrative penalty of \$900, subject to the following terms:

1. Respondent agrees to pay the administrative penalty of \$900 in 9 monthly payments of \$100;
2. Respondent agrees to complete twice the number of continuing education (CE) hours normally required for her next renewal of her midwifery documentation, and to complete the CE hours in a classroom, not through an Internet CE provider, with at least one of the classes being on the subject of "writing midwifery protocols";
3. Respondent agrees to submit a complete set of her midwifery protocols to the Complaint Review Committee for review within 90 days of re-documenting;
4. Respondent agrees to comply with all applicable laws, rules and regulations relating to the practice of midwifery in Texas.

VIII. COMPLIANCE

If any further violations of the Act, Rules and/or laws are committed, Respondent is required to contact the Board within 10 days. If Respondent fails to inform the Board of any violations of the Act and/or Rules or fails to comply with section "VI. Settlement," of this Order, the Board may choose to propose further enforcement action at such time.

IX. COMPLETE AGREEMENT

This Order is made under authority of the Administrative Procedure Act, Texas Government Code §2001.056(2), and the procedural rules adopted by the Board. This Order represents the complete settlement of the violation as it is described in sections "III. Facts" and "VI. Settlement" of this Order. The imposition of the Reprimand and the Administrative Penalty shall become effective upon the date this Order is executed.

A. WAIVER OF APPEAL

In exchange for the execution of this Order, Respondent waives the right to an administrative appeal hearing and a judicial review by a state district court.

B. NO WAIVER WITH REGARD TO FUTURE VIOLATIONS

The Board does not waive the right to enforce this Order or to prosecute any future violations that Respondent may commit and may consider the findings contained in this Order in any future enforcement actions.

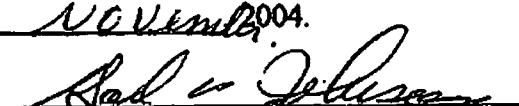
C. COMPLETE UNDERSTANDING

The Respondent acknowledges understanding of the terms of this settlement agreement; enters into the settlement agreement freely, and agrees to the conditions of this Order.

NOW THEREFORE, IT IS ORDERED THAT:

- 1) Respondent shall accept a letter of reprimand and an administrative penalty of \$900 to be, with additional stipulations, subject to the conditions stated in section "VI. Settlement," and in accordance with section, "IX. Complete Agreement," and
- 2) Respondent shall comply with this Order and with all applicable laws, rules and regulations. Failure to comply may result in additional enforcement action.

Executed and Ordered this 15 day of November 2004.


Brent Baylor GAIL THOMAS
Vice-Chairman of the Midwifery Board


Eveith Miller
October 4, 2004
Date


Dan Meador, Board Attorney
TDH Office of General Counsel



Professional Licensing and Certification Unit
COMPLAINT FORM

RECEIVED
SEP 04 2015
PLCU INV/QA Group

Texas Midwifery Board

NAME OF REGULATORY BOARD/PROGRAM

1-800-942-5540 (Complaint Hotline)

Please call if you are unsure to which Board/Program you should direct your complaint.

COMPLAINANT INFORMATION (PERSON REPORTING)

1056-14-0001

Name: Victoria Padron

Address: 1601 S. Oak Apt E201 Arlington TX 76010
Street Address City State Zip

Home Phone: 214-893-2865 Work Phone:

LICENSEE INFORMATION (ALLEGED VIOLATOR)

Name: Evaith Cynthia Miller, license # 97023

Address: 2116 E. University Dr. Denton TX 76201
Street Address City State Zip

Home Phone: 214-414-10950 Work Phone: same

CLIENT-PATIENT INFORMATION (IF APPLICABLE)

Name: Some as above.

Address: Street Address City State Zip

Home Phone: _____ Work Phone: _____

Complainant's Relationship to Client: Self.

Is the client a minor? Yes No If yes, give age: _____

SUPPORTING DOCUMENTATION

Attach documentation such as canceled checks or receipts, charts, notes, records; also, names, addresses, and phone numbers of others who may have information about the alleged violations, etc.

I have video proof of ms. miller attending my delivery at home.

DETAILS OF COMPLAINT

Dates of Client-Patient/Licensee Relationship: From: 7/14 To: 4/15

Dates of Violations: 3/15/15

Details of Complaint: Padron hired miller as midwife to deliver baby at home at 1601 S. Park in Arlington TX. miller provided prenatal care, delivery of baby and postnatal. miller's license with the midwifery board apparently expired on 2/28/15 which means she delivered my baby without a license and to this day, 8/29/15, I, V. Padron still have not received a social security card or birth certificate for my almost 6 month old baby. ^{Gozlynn Padron} miller has stated she mailed the paperwork in and now it is out of her hands. Very frustrated and in need of help.

State of Texas County of Tarrant

Padron

Signature of Complainant

Mail your completed packet to:

Investigations
PO Box 141369
Austin, Texas 78714-1369